

REMARKS

Claims 1-3 and 5 are pending.

Claims 1-3 and 5 are rejected.

Claims 4, 6-12 are canceled.

Claim 1 is amended by incorporating the subject matter of Claim 4 into the claim.

The Abstract is amended to change the terms "centre" to "center" and "programme" to "program" as requested to by the Examiner.

The specification is amended change the terms "centre" to "center" and "programme" to "program" as requested to by the Examiner. The Applicants have decided to show such amendments in compliance with 37 C.F.R. 1.125 which defines the procedure for the inclusion of a substitute specification (which requires both a marked up version of the specification and a clean version).

No new matter has been added in view of these amendments.

Objection to the Specification and Claims

The Examiner objected to the specification and the Claims as using terms such as "programme" and "centre". The Applicants have amended the specification and claims to replace these terms "program" and "center".

Rejection of Claim 1-3 under 35 U.S.C. 102(e)

The Examiner rejected Claims 1-3 under 35 U.S.C. 102(e) as being anticipated by Fukami et al. (U.S. Patent Pub 2002/0080971, hereafter referred to as 'Fukami').

By incorporating Claim 4 into Claim 1, by the Examiner's admission in the Office Action, Claim 1 overcomes this rejection to the claim, before amendment.

Rejection of Claims 1 (amended by incorporating Claim 4) and 5 under 35 U.S.C. 103(a)

The Examiner rejected Claims 4 (now incorporated into Claim 1) and 5 under 35 U.S.C. 103(a) under Fukami in view of Ginter et al. (U.S. Patent 5982891, hereafter referred to as 'Ginter'). Applicants disagree with this ground of rejection.

In the combination of Fukami and Ginter, alone or in combination, the cited references do not disclose the claimed element of Claim 1 of "upon completion of the telephone communication with a user terminal, a duration of telephone communication is determined in said call center as to draw up a bill corresponding to the reception of the program by the user terminal" (emphasis added).

Specifically, as admitted to in the Office Action mailed on May 5, 2008 by the Examiner, Fukami does not disclose or suggest this claimed feature. Hence, the Examiner cites to Ginter for the disclosure of the "bill" of Claim 1. This is incorrect in that Ginter, in combination with Fukami, does not disclose the claimed bill element of Claim 1. For example, the Examiner's citation to Ginter on col. 14, lines 49-62 has Ginter disclosing that one may use metering, but the disclosure does not specify what is to be metered or how to perform a metering function. Additionally, the citation to Ginter on col. 132, lines 12-25,

disclose how one may publish software, which is not the same thing as an audiovisual program. The publication of software obviously has different technical merits than an audiovisual program, where the present invention is concerned with how to bill for an audiovisual program, not a software program which needs to be executed and/or installed.

Lastly, Ginter, at col. 132, lines 12-25 addresses the use of a "pre-installed time budget". Applicants stress that when combined with Fukami, the resulting combination with the "pre-installed time budget" of Ginter has no relationship to a phone call, where the pre-install time budget allows one to use a computer program for a short time. Obviously, there is no relationship between the use of a "pre-installed time budget" and the principles of Claim 1.

For the reasons given above, Applicants assert that Claim 1 is patentable. In addition, Applicants assert that Claims 2-3 and 5 are patentable, as such claims depend on allowable Claim 1.

Having fully addressed the Examiner's rejections, it is believed that, in view of the amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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